

Assembly Bill No. 186

CHAPTER 429

An act to amend Section 21620 of, and to add Sections 21500.1, 21601.1, and 21620.1 to, the Elections Code, relating to local elections.

[Approved by Governor September 16, 1999. Filed
with Secretary of State September 16, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 186, Hertzberg. Local elections: districts.

Existing law requires county boards of supervisors and the city councils of general law and charter cities that elect members by or from districts following each decennial federal census, and using that census as a basis, to adjust the boundaries of the supervisorial and council districts so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts, the county board of supervisors or the city council of a general law city is expressly authorized by existing law to give consideration to the topography, geography, and cohesiveness, contiguity, integrity, and compactness of territory, and community of interests of the districts.

This bill would provide that in establishing the boundaries of a district of a charter city, the city council may give consideration to topography, geography, and cohesiveness, contiguity, integrity, and compactness of territory, and community of interests of the districts. The bill would require the county board of supervisors or the city council of a general law city or the governing body of a charter city to hold at least one public hearing on any proposal to adjust those boundaries prior to a public hearing at which the board or council votes to approve or defeat the proposal. By creating additional duties on those local agencies in establishing the boundaries of those districts and in holding public hearings, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 21500.1 is added to the Elections Code, to read:

21500.1. The board shall hold at least one public hearing on any proposal to adjust the boundaries of a district, prior to a public hearing at which the board votes to approve or defeat the proposal.

SEC. 2. Section 21601.1 is added to the Elections Code, to read:

21601.1. The council shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the council votes to approve or defeat the proposal.

SEC. 3. Section 21620 of the Elections Code is amended to read:

21620. If the members of the governing body of a chartered city are nominated or elected “by districts” or “from districts,” as defined in Section 34871 of the Government Code, upon the initial establishment thereof, the districts shall be as nearly equal in population as may be according to the latest federal decennial census or, if the city’s charter so provides, according to the federal mid-decade census or the official census of the city, as provided for pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4 of the Government Code, as the case may be. After the initial establishment of the districts, the districts shall continue to be as nearly equal in population as may be according to the latest federal decennial census or, if authorized by the charter of the city, according to the federal mid-decade census. The districts shall comply with the applicable provisions of the federal Voting Rights Act of 1965, Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts, the council may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the districts.

SEC. 4. Section 21620.1 is added to the Elections Code, to read:

21620.1. The governing body shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the council votes to approve or defeat the proposal.

SEC. 5. Pursuant to Section 17579 of the Government Code, the Legislature finds that there is no mandate contained in this act that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.